

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated April 27, 2004, claims 1-20 are pending in the application. The allowability of claim 8 if rewritten in independent form is acknowledged. Applicants respectfully request the Examiner for reconsideration.

Claims 12-15 stand objected to for an informality. Applicants have amended the preamble of claims 12 and 13 to be dependent from claim 11. Applicants believe that this amendment overcomes this rejection.

Claims 1-3, 7, 9-13 stand rejected under 35 U.S.C. §102(a) as being anticipated by *Watson* (US Publication 2003/0182041). Applicants respectfully traverse.

Claim 1 is directed to a method of operating a safety system for an automotive vehicle that includes determining a lateral acceleration, a characteristic other than lateral acceleration, and comparing the lateral acceleration and the lateral characteristic to a threshold that is a function of the lateral acceleration and the lateral characteristic. A roll condition is indicated in response to comparing. A safety system is controlled in response to the roll condition. The Examiner is directed to Figs. 2, 3 and 4, which illustrate various types of thresholds. When a threshold is a function of two values, a two-dimensional plot may be formed, applicants respectfully submit that no teaching or suggestion is found in the *Watson* reference for such a teaching. Although a lateral velocity sensor is used, no teaching or suggestion is found for providing a single threshold that is a function of the lateral velocity and another lateral characteristic. It appears that in paragraphs 179-181 that if the lateral speed is known, then the deployment of some rollover constraints can be inhibited at an otherwise relatively early decision time to protect the occupant. Thus, it appears that the *Watson* reference at best has a two-stage analysis: first, the lateral speed may be determined, then the lateral acceleration and roll rate may be used as described in paragraph 30. Applicants therefore believe that because *Watson* reference does not teach or suggest a two-dimensional threshold based on lateral acceleration and a lateral characteristic, claim 1 is believed to be allowable. Likewise, claims 2, 3, 7, and 9-10 are also believed to be allowable.

Claim 11 has been amended to provide that the second indication is formed by comparing the lateral acceleration and lateral characteristic to a threshold that is a function of lateral acceleration and a threshold characteristic other than lateral acceleration.

Claim 16 has also been amended in a similar manner to claim 11 and is believed to be allowable for the same reasons set forth above.

Likewise, claims 12 and 13 are dependent upon claim 11 and are believed to be allowable for the same reasons set forth above.

Claims 4-6, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Watson* in view of *Lu* (US Publication 2003/0100979 – US Patent 6,654,674).

Claims 4-6 are dependent upon claim 1, which are allowable for the same reasons set forth above.

Claims 14 and 15 are dependent upon claim 11 and are also believed to be allowable for the same reasons set forth above. That is, the *Watson* reference does not teach or suggest the two-dimensional threshold as described above. Further, the *Lu* reference also does not describe a two-dimensional threshold. Therefore, applicants respectfully request the Examiner for reconsideration of this rejection.

Claims 16 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lu* in view of *Watson*. Claim 16 has been amended to recite a two-dimensional threshold described above. That is, claim 16 now includes the threshold that is a function of lateral acceleration and lateral characteristic other than lateral acceleration. Therefore, applicants respectfully request the Examiner to reconsider the rejection of claim 16.

Claims 18 and 20 are dependent upon claim 16 and are therefore believed to be allowable for the same reasons set forth above.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Lu* in view of *Watson* in further view of *Nishiyama* (JP2002166826A). Applicants respectfully submit that the *Nishiyama* reference and the *Lu* references lack the teachings of amended claim 16 in that no threshold being a function of lateral acceleration and lateral characteristics other than acceleration is set forth therein. Further, the *Nishiyama* reference also does not teach or suggest this. Applicants therefore respectfully request the Examiner for reconsideration.

In light of the above amendments and remarks, applicants submit that all objections are now overcome. Applicants respectfully submit that the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit
Account 06-1510.

Respectfully submitted,



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